

**U.S. Department of the Interior  
Bureau of Land Management**

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**Decision Record - Memorandum  
Sand Draw Russian Olive/Tamarisk Treatment  
January 2016**

**PREPARING OFFICE**

U.S. Department of the Interior  
Bureau of Land Management  
Worland Field Office





# Sand Draw Russian Olive/Tamarisk Treatment

## DOI-BLM-WY-R010-2015-0048-DNA

### DECISION

It is my decision to approve the proposed Tamarisk and Russian Olive treatment in Sand Draw described as Proposed Action of DOI-BLM-WY-R010-2015-0048-DNA, and to include those measures proposed by Hot Springs County Weed and Pest application.

Treatment would begin upon authorization through April 2016. The treatment would involve mastication of Tamarisk and cut stump of the Russian olive. Equipment to be used would be two track hoes, two pick-up trucks and a skid steer. An applicator will follow immediately behind the removal with triclopyr and bark oil to treat any roots or stumps. All slash piles would be left untouched for a year and then combined into several larger piles to be burned. Treatment would not begin until the ground is frozen in order to minimize any soil resource effects.

### Authorities:

- NEPA (42 U.S.C. §§ 4321- – 4347), as amended
- Title V of FLPMA, Sec. 501. [43 U.S.C. 1761]
- *Executive Order 13112, Invasive Species*, directs federal agencies to prevent the introduction of invasive species and provide for their control, and to minimize the economic, ecological, and human health impacts that invasive species cause
- *Carlson-Foley Act of 1968* and the *Plant Protection Act of 2000* (Public Law 106-224; includes management of undesirable plants on federal lands; authorizes the BLM to manage noxious weeds and to coordinate with other federal and state agencies in activities to eradicate, suppress, control, prevent, or retard the spread of any noxious weeds on federal lands.
- The *Federal Noxious Weed Act of 1974* established and funded an undesirable plant management program, implemented cooperative agreements with state agencies, and established integrated management systems to control undesirable plant species.
- The objectives of the *Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management for the Public Lands Administered by the Bureau of Land Management in the State of Wyoming (1997)* are to “promote healthy sustainable rangeland ecosystems; to accelerate restoration and improvement of public rangelands to properly functioning conditions...and to provide for the sustainability of the western livestock industry and communities that are dependent upon productive, healthy public rangelands.”
- In addition to federal mandates, the State of Wyoming, Weed and Pest Act of 1973, requires the federal government to control undesirable plant species by the use of integrated weed management.
- Reducing the number of infested acres of invasive plants would meet the objective of sustaining biological communities as directed by the BLM Operating Plan 2004-2008. It would also meet the objectives of the Bighorn Basin Noxious Weed Management Plan, which includes best management practices for surface disturbances, roads, vehicles, livestock grazing, recreation sites, and wild land or prescribed fire, that are designed to eliminate or minimize impacts from noxious and invasive weeds.

## **Mitigation and Monitoring:**

To assure compliance with the approved action, the project will be monitored during regularly scheduled field inspections.

## **Terms / Conditions / Stipulations:**

This authorization will be granted subject to the following specific mitigation measures:

1. Compliance with label requirements for herbicide use
2. Following the *Conservation Measures, Standard Operating Procedures, Mitigation Measures, addressed in the Vegetation Treatments Using Herbicides in 17 Western States, Programmatic Environmental Impact Statement, Record of Decision (BLM 2007)*.
3. Post treatment monitoring

## **PLAN CONFORMANCE AND CONSISTENCY**

This plan has been reviewed to determine if the proposed action conforms to the land use plan as required by 43 CFR 1610.5. The proposed action conforms to the Record of Decision and Approved Resource Management Plan for the Worland Field Office, dated September 21, 2015. The decisions in the Worland Resource Management Plan (WRMP) provide general management direction and allocation of uses and resources on the public lands in the area.

The management objective is to “Manage for healthy native plant communities by reducing, preventing expansion of, or eliminating the occurrence of undesirable invasive, nonnative species, undesirable, nonnative, or noxious weeds by implementing management actions consistent with national guidance and state and local weed management plans” (p.76).

## **ALTERNATIVES CONSIDERED**

Proposed Action Alternative - Noxious and invasive plant control would be accomplished by using an integrated pest management approach, utilizing a combination of biological, mechanical, chemical methods. The Vegetation Treatments Using Herbicides in 17 Western States, Programmatic Environmental Impact Statement (BLM, 2007) analyzed the effects of using herbicides for treating vegetation on public land in the western United States.

Proposed treatment methods may include biological control, hand pulling, cutting, mowing, aerial spraying, hand/selective herbicide applications, stem injection, spot herbicide spraying, broadcast herbicide spraying, and grazing.

No Action - The WFO and CYFO would be able to continue to use 20 herbicide active ingredients.

No Herbicide Use Alternative - No herbicide use would occur under this alternative. The WFO and CYFO would be able to treat vegetation using mechanical, manual, and biological control methods. No herbicide use would limit the tools the BLM has to address invasive non-native species.

## **RATIONALE FOR DECISION**

The Proposed Action was chosen as being an environmentally sound alternative, and is in conformance with the Washakie Resource Management Plan. Approval of the alternative, as stated above, will allow BLM to conduct activities as provided for by the Worland RMP, The Federal

Land Policy and Management Act of 1976, and other laws and policies. This decision recognizes that there will be minimal impacts to resources during project activities. Implementation of the mitigation measures stated above will address impacts to resource values identified in the EA.

## PROTEST AND APPEAL OPPORTUNITIES

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken your notice of appeal must be filed in this office (BLM Worland Field Office, 101 S. 23rd St, Worland, WY 82401) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below.

Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

### Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. the relative harm to the parties if the stay is granted or denied;
2. the likelihood of the appellant's success on the merits;
3. the likelihood of immediate and irreparable harm if the stay is not granted; and
4. whether the public interest favors granting the stay.

/s/ <i>Michael J. Phillips</i>	1/8/2016
Worland Field Office Manager	Date

Attachments: Finding of No Significant Impact and DNA DOI-BLM-WY-R010-2015-0048-DNA